IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 876 of 1987

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARBIR SINGH

Versus

GAUTAM K SHAH

Appearance:

MR SH SANJANWALA for Petitioner No. 1

MR MD PANDYA for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 25/10/2002

ORAL JUDGEMENT

This Revision Application preferred under Section 29(2) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 arises from the judgment and order

dated 23rd July, 1987 passed by the Appellate Bench, Small Causes Court, Ahmedabad in Civil Appeal No.59/1984. The petitioner before this Court is the appellant - defendant.

The plaintiff instituted H.R.P. Suit No.3119/1980 in the Court of Small Causes, Ahmedabad for a decree for recovery of possession of the suit flat and a sum of Rs.4,483=80 being the amount of rent and municipal taxes due and the mesne profits. The eviction of the defendant was sought on the grounds : (a) the defendant was not ready and willing to pay the rent; (b) the plaintiff required the suit flat reasonably and bonafide for his personal use and occupation; and (c) the defendant had acquired alternative suitable accommodation.

The learned trial Judge, under the judgment and order dated 26th December, 1983, decreed the suit for recovery of possession of the suit flat and a sum of Rs.19,783=80.

Feeling aggrieved, the defendant preferred Civil Appeal No.59/1984 before the Appellate Bench, Court of Small Causes, Ahmedabad. The Appellate Bench dismissed the appeal under the impugned judgment and order dated 23rd July, 1987. Feeling aggrieved, the defendant has preferred the present Revision Application.

The learned advocate Mr.A.V.Thakkar appears for Mr.Sanjanwala and states that he has received oral instructions from one Shri.Pradyuman Singh, the son of the petitioner Harbir Singh, that pending this Revision the matter has been settled and the petitioner has purchased the suit flat. He, therefore, seeks leave to withdraw this Revision Application.

Leave is granted. Revision Application is disposed of as withdrawn. Rule is discharged with costs. Interim stay is vacated.

(Ms. R.M.Doshit, J.)

/sakkaf